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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,321	10/18/1999	LARRY A. WESTERMAN	KLR:7146.044	2633
47915	7590	12/29/2005	EXAMINER	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP			LUU, SY D	
1600 ODS TOWER			ART UNIT	
601 SW SECOND AVENUE			PAPER NUMBER	
PORTLAND, OR 97204			2174	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/420,321	<b>Applicant(s)</b> WESTERMAN ET AL.	
	<b>Examiner</b> Sy D. Luu	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/19/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is responsive to the Amendments and the IDS filed 9/28/05 and 9/19/05.
2. Claims 1-21, and 28-33 are pending in this application. Claims 1, 7, 12, 17, 22, 28, 34, are independent claims. Claims 22-27 and 34-41 were canceled, and claims 1, 7, 17, and 28 were amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

4. Claims 1-21, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al. ("Sciammarella", US # 6,320,599) in view of Kreegar (US # 5,396,590) and Microsoft Publisher 98 Screenshot ("MS Publisher").

As per claims 1 and 5, Sciammarella teaches a computer implemented GUI on a personal computer (fig. 1a), comprising a manipulator (col. 3, lines 10-11; *cursor 116*) for enabling alteration of a scale of an object (col. 2, lines 15-23), by altering a dimension of a graphic representation of an active region of a portion of data on said computer (*position indicating marks 124*), the dimension being approximately equal to a limit (fig. 3; col. 3, lines 25-44; zoom-in and zoom-out marks 122, 126).

Sciammarella does not specifically teach the manipulator to interact directly with the graphic representation to enable alteration. Kreegar teaches direct manipulation of graphic

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objects using shape control tools (fig. 3, col. 5, line 56 – col. 6, line 18). It would have been obvious to an artisan at the time of the invention to include Kreegar's direct manipulation of objects in order to allow a user to select and manipulate a graphic object in different ways without having to activate different modes for different manipulations.

The method of Sciammarella-Kreegar does not specifically teach the size of said graphic representation to be free from changing while said scale is altering. MS Publisher teaches a method for changing the dimension of a graphic representation of an active region wherein said graphic representation is free from changing while alteration of a scale of an object (figs. 1-4; *image 20 is enlarged while an object such as door 22 is also enlarged*). It would have been obvious to an artisan at the time of the invention to combine MS Publisher's method of changing the dimension of the active region while altering the scale of an object contained therein so that the ratio aspect of the whole image and objects contained therein are properly maintained. It follows further that the method of Sciammarella-Kreegar-MS Publisher would teach the GUI such that wherein at least one of the size and the position of said graphic representation is changeable to display a graphic representation of an active region of another portion of said data, where said at least one of the size and the position of the graphic representation changes while the scale is free from changing, wherein when said at least one of said size and position of said graphic representation is changed to reach said approximately equal to said limit then said graphic representation is said free from changing while said scale is said altering. It would have been clearly obvious to an artisan at the time of the invention that the same changes on the display as applied to the initial portion of said data above would have been applicable to any portion of said data depending on user's desired portion of manipulation, e.g. the active region

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102 in fig. 1a of Sciammarella containing objects 106 and 108 could be shifted to another region which may contain different objects such as objects 104 or 110. The same effect of size/position of the graphic representation changes while the scale is free from changing would be equally applicable to the region 102.

As per claim 2, Sciammarella teaches that the scale of the object is minified when the dimension is approximately equal to a maximum (figs. 5a-5b; col. 3, line 65 – col. 4, line 11).

As per claim 3, Sciammarella teaches that the scale of the object is magnified when the dimension is approximately equal to a minimum (figs 4a-4b; col. 3, line 45-64).

As per claim 4, Sciammarella teaches the dimension of the graphic representation is a diagonal of a rectangle (fig. 3; *marks 124*).

As per claim 6, Sciammarella teaches a handheld electronic device (col. 2, lines 13-14).

Claims 7-9 are similar in scope to claims 1-3 respectively, and are therefore rejected under similar rationale.

As per claim 10, MS Publisher teaches enabling a user to move said active region relative to said information area by a second interaction of said manipulator and said graphic representation (figs. 5-6).

As per claim 11, Sciammarella discloses interaction via a mouse (col. 1, lines 19-21).

Claims 12 and 15-16 are similar in scope to claims 1-3, and are therefore rejected under similar rationale.

Claims 13-14 are similar in scope to claims 10-11 respectively, and are therefore rejected under similar rationale.

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Claim 17 is similar in scope to claims 10, and is therefore rejected under similar rationale.

Claims 18-19 are similar in scope to claims 2-3, and are therefore rejected under similar rationale.

Claims 20-21 are similar in scope to claim 11, and are therefore rejected under similar rationale.

Claims 28-33 are similar in scope to claims 7-10 and 5-6 respectively, and are therefore rejected under similar rationale.

### ***Response to Arguments***

5. Applicant's arguments filed 9/28/2005 have been fully considered but they are not persuasive.

Applicants argued that the prior art fail to disclose: at least one of the size and position of the graphic representation changes while the scale is free from changing, and where at least one of said size and position of said graphic representation is changed to reach said approximately equal to said limit then said graphic representation is said free from changing while the scale is altering. The Examiner disagrees for the reasons that are provided in the rejection section above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquires***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SY D. LUU**  
**PRIMARY EXAMINER**